

THE EDUCATIONAL PIPELINE FROM PRESCHOOL TO PROFESSIONAL SCHOOL: WORKING TO INCREASE DIVERSITY IN THE PROFESSION

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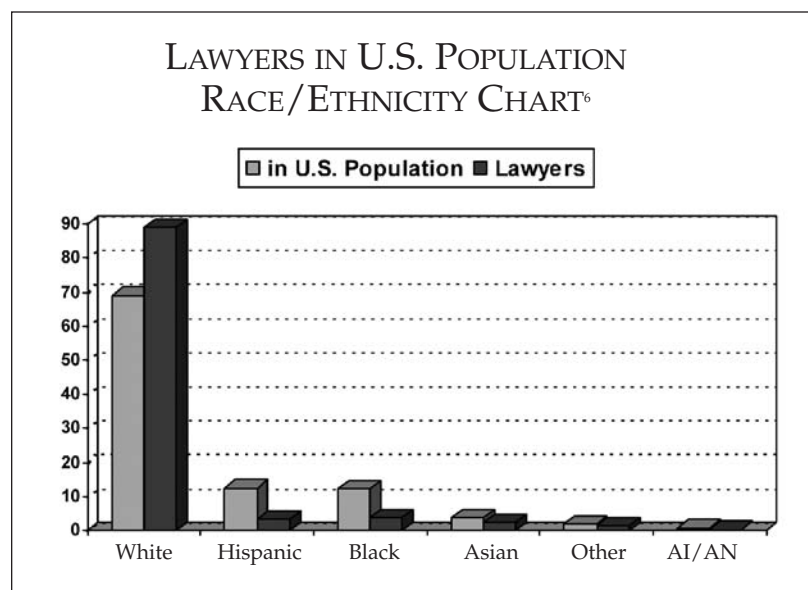
—In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity. All members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training. As we have recognized, law schools “cannot be effective in isolation from the individuals and institutions with which the law interacts.”¹

This article² first discusses the diversity crisis in the legal profession and the nation’s leadership. While there have been gains over the years in minority representation in the legal profession, progress remains, as the ABA puts it “frustratingly slow” and slowing.³ Within this context, the article then reviews a range of efforts among law schools to intervene not only at or after the point of admission to law school but also further back along the educational pipeline, from preschool to professional school. The goal of this pipeline work is to increase the number and diversity of those who persist in high school and college and present appropriate qualifications for the pool of those seeking legal education and entry to the profession.

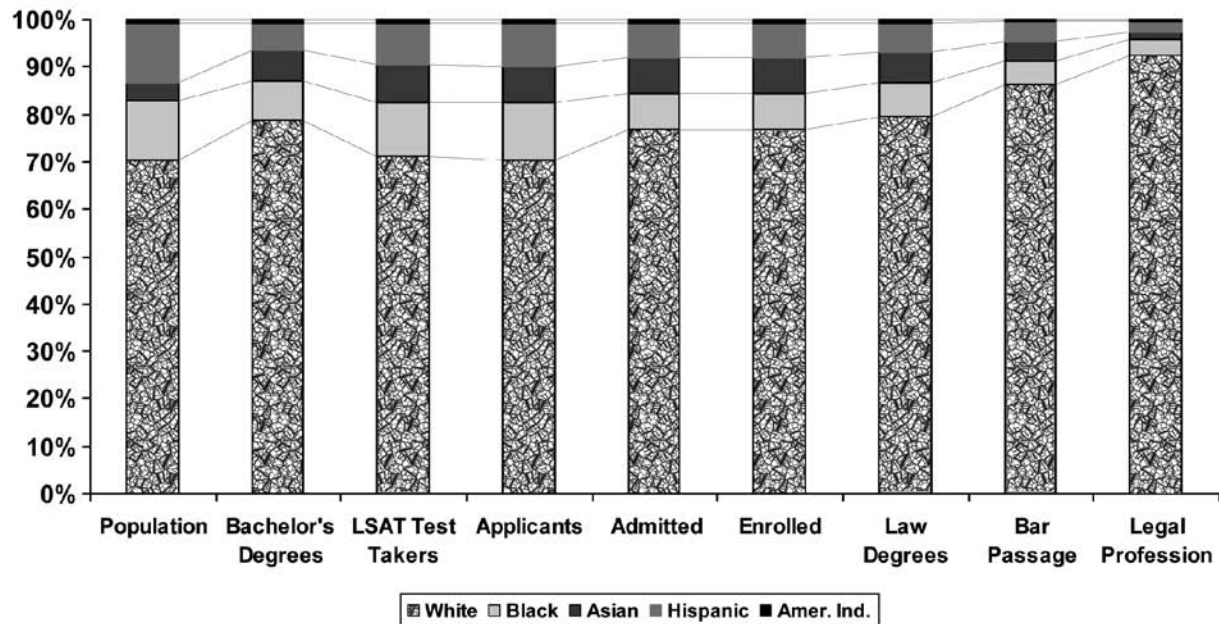
INTRODUCTION: THE CRISIS IN LEADERSHIP

Minorities in the legal profession are far fewer than in other professions, and the number of minority lawyers is significantly disproportionate to their representation in the general population.

The American bar membership stands at over 90 percent white.⁴ Looking at these numbers, the American Bar Association (ABA) is straightforward in its prediction that “the proportion of minorities in the legal profession is not likely to attain parity with that in the general population in the foreseeable future.”⁵ While these facts would be deeply disturbing in their own right, they are even more so in the context of the nation’s leadership, where law graduates account for virtually all of our judges, over half of our U.S. Senators, nearly half of



RACIAL/ETHNIC REPRESENTATION ALONG THE PIPELINE TO THE LEGAL PROFESSION MEASURED AGAINST THE U.S. POPULATION



our governors, a third of our representatives to Congress, and about one fifth of our state legislators.⁷

THE TRENDS

The Law School Admission Council (LSAC) chart shown above graphically illustrates the cumulative effect along the pipeline from college through entry to the legal profession.⁸

The Pipeline Approaching Law School

The Urban Institute reports that barely half of all African-American, Hispanic, and Native American students who entered U.S. high schools will receive diplomas, and rates for males are lower still.⁹ Even among those who do remain to finish high school, many will not have been well-taught; they will not have competent critical thinking, reading, or writing skills, and these deficits will stay with them.¹⁰ Given the high-school data, it is both foreseeable

and true that the identified achievement gaps in terms of race and ethnicity will result in less persistence and lower college graduation rates for African Americans, Hispanics, students with disabilities, and low-income students.¹¹

Law school

Given the achievement gaps in the applicant pool coming out of college and given the glare of the *U.S. News & World Report* rankings in which law schools operate,¹² law school admissions continue to reflect achievement gap and diversity issues—hardly surprising.

The Law School Admission Council, in its brief to the U.S. Supreme Court in *Grutter* reported what it described as “startling” scores: “For the fall 2002 entering class, there were a total of 4,461 law school applicants who had both LSAT scores of 165 or

ONE HUNDRED KINDERGARTNERS ¹³			
100 Kindergartners	Graduate from High School	Some College	At Least Bachelor's
Asian/Asian Am.	94	80	49
White, non Latino	93	62	29
African American	86	48	15
Latino	61	31	10
Native American	58	n/a	7

above and UGPA of 3.5 or above. Of that number, a total of just 29 were black. Only 114 were Hispanic. The numbers are consistent for preceding years. . . .¹⁴ The resulting limited admissions offers follow from this disparity, and there seems to be no reason to anticipate a marked change.

Indeed, these numbers represent the endpoint of an educational pipeline where minority and poor students are lost at every key juncture along the way, making the applicant pool of qualified minorities at the law school gates predictably limited. And, even for those minorities entering law school, persistence, bar passage, and entry to the profession continue to show racial and ethnic disparities. For example, “data from the Bar Passage Study show that the eventual bar passage rate for the full group of study participants was 94 percent. However, the rates for racial-ethnic subgroups varied from 96.7 percent among white bar examinees to 77.6 percent among African Americans.”¹⁵

A NEW APPROACH

We are mindful, however, that “[a] core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race.” Accordingly, race-conscious admissions policies must be limited in time. This

requirement reflects that racial classifications, however compelling their goals, are potentially so dangerous that they may be employed no more broadly than the interest demands. Enshrining a permanent justification for racial preferences would offend this fundamental equal protection principle. We see no reason to exempt race-conscious admissions programs from the requirement that all governmental use of race must have a logical end point. The Law School, too, concedes that all “race-conscious programs must have reasonable durational limits.”¹⁶

...

The majority does not and cannot rest its time limitation on any evidence that the gap in credentials between black and white students is shrinking or will be gone in that time frame. . . . No one can seriously contend, and the Court does not, that the racial gap in academic credentials will disappear in 25 years. Nor is the Court’s holding that racial discrimination will be unconstitutional in 25 years made contingent on the gap closing in that time.¹⁷

For years, law schools, and thus the bar, have operated on the edge of the small band of applicants who were qualified to enter law school, as defined primarily by their admissions scores. Often law schools have provided additional support for students whose LSATs might suggest that they would have difficulty in law school and eventually on the bar examination. But, as the preceding discussion indicates, these efforts have been insufficient.

Another approach involves efforts to secure and expand the pipeline, bringing forward a more

qualified pool of applicants of all races and colors to law schools. This approach, obviously, requires taking the long view. Justice O'Connor, in her opinion in *Grutter*, offered 25 years as a reasonable time span to end affirmative action, really not much more time than for one generation of today's first graders to move through 12 years of elementary and secondary education and four years of college. And it is this span that needs be considered, for students are lost to us at each step along the educational pipeline.

MODELS IN THE NEW APPROACH— LAW SCHOOLS WORKING ALONG THE PIPELINE WITH P16 EDUCATION

Against these numbers, demographically and chronologically, it is no longer sufficient for law schools to sit at or behind their gates and wait for the applicant pool to present itself. Rather, improvement in diversity of the pool for admission to law schools first requires identification of places along the educational continuum where promising students “leak” out from the pipeline, and then sustained effort to patch those points with improved academic rigor and encouragement and reason to persist in school.

Law schools have particular strengths to offer here in terms of intellectual and human capital. Several law schools have begun to work in this direction, and many have come together to form an informal National Consortium of Law Schools working along the P20 (preschool through graduate school) continuum.¹⁸ This group has issued a Call to Action¹⁹ to other law schools and universities and their P12 (preschool through high school) partners to do likewise. Of those already at work along the pipeline several models exist—they range from a low-cost (but not low impact) mentoring program instituted by Brigham Young University all the way to a law-

themed charter school started by students from Georgetown University Law Center.

Before describing the models, an introductory note is necessary for clarity. While the work here is prompted in part by an interest in increasing the diversity in the bar and in the significant portion of the leadership of the nation who are lawyers, we see our core work to be for all underrepresented students whether they are ultimately interested in law-related professions or not. As one of our colleagues has put it, “A rising tide raises all boats.”²⁰ As school-centered outreach programs, these models seek to raise that tide for all students to aspire, plan, prepare, persist, and succeed in high school, college, and beyond.

Of the many evolving variations in law school involvement with P16 partners, five different models are outlined here.²¹

J. Reuben Clark Law School at Brigham Young University—Mentoring²²

The Brigham Young University (BYU) model²³ offers an approach to working with students along the educational pipeline that requires only a small amount of financial backing combined with a large commitment of volunteer resources and institutional goodwill.

The mentoring program at the BYU Law School brings approximately eighty sixth graders (three full classes from one elementary school) to the law school each Tuesday from noon to one o'clock. Each sixth grader receives one-on-one mentoring from a law student tutor who volunteers to work with the student for the entire academic year. Students meet each week in the Moot Court room; the sixth grade teachers tell the mentors what they want their students to work on, and then the

students fan out through the law school to research and work on the designated assignments. Most of the time is spent on these assignments, although there are occasional special activities such as pizza parties and mock trials as well.

Perhaps the most interesting aspect of the program is the attitude of the sixth graders who arrive looking and feeling like visitors, and leave eight months later looking and feeling like they really belong in a university setting. Given that these particular kids come from an economically challenged and ethnically diverse school, many of them undergo a remarkable transformation.

BYU works together with the local school district, which does the training of mentors, conducts the police background checks, helps match students and mentors, sends a representative each week, and pays for the school bus. Law student participation is strong, in large part because it is so convenient to be volunteering on campus, with a commitment of just one hour per week.

In any given academic year, there are about 2,000 hours of law-student volunteer time spent mentoring in this program. The sixth graders, in turn, have

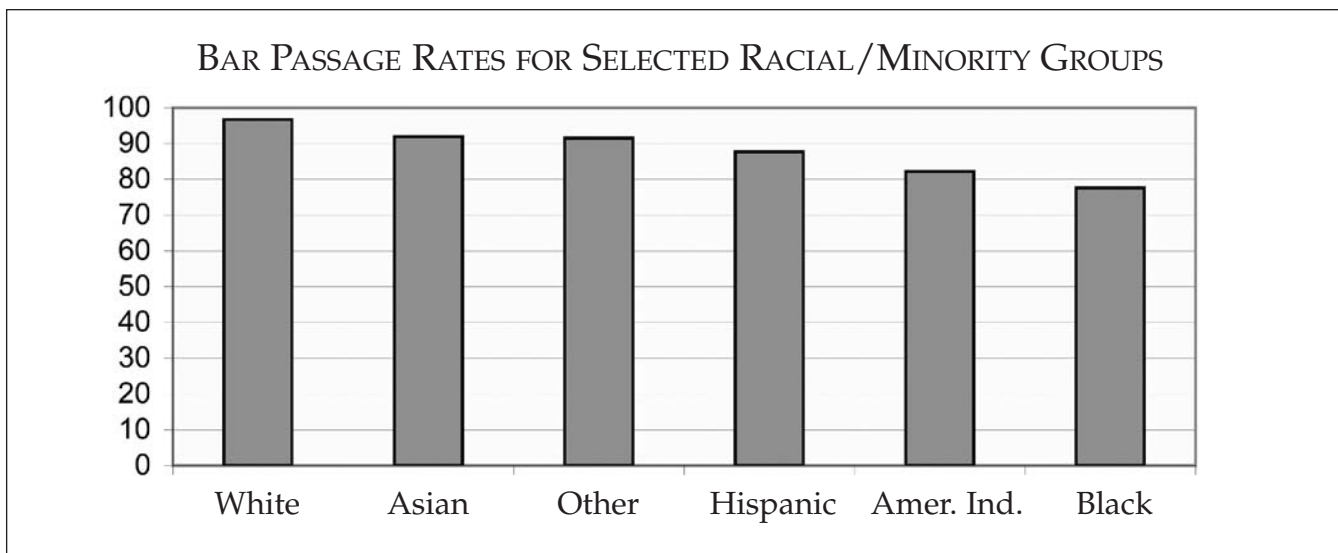
become mentors to first graders in their school, where they mainly help with reading skills once a week. The program is remarkably easy to organize and is managed almost entirely by law-student coordinators with some faculty supervision.

Cleveland State University Cleveland-Marshall College of Law—Comprehensive Model with Multiple Partners²⁴

Cleveland-Marshall College of Law is involved in a number of community outreach and pipeline initiatives designed to expose racial and ethnic minorities to potential opportunities in the law. The Summer Legal Academy is the most recent endeavor toward increased inclusiveness.

Created in response to the low numbers of minorities in the legal profession and the decrease of minorities being admitted to law schools, the Summer Legal Academy was developed through a partnership between Cleveland-Marshall College of Law, Case Law School, the Norman S. Minor Bar Association, and the Cuyahoga County Bar Association.

The Summer Legal Academy is a two-week intensive law institute for students entering the



twelfth grade that is held alternately on the campuses of Case Law School and Cleveland-Marshall College of Law. In its inaugural year, the Summer Legal Academy invited 20 students from East Cleveland's Shaw High School. The 2006 class will be comprised of 25 students from four of Cleveland's largely African-American high schools.

Law professors and practitioners present lectures in various areas including First Amendment rights, due process, and race and the law. The participants are assigned relevant materials to read before the lectures and are encouraged to participate in class discussions. They are also expected to use the material in their writing and mock trial assignments.

In addition, panels of judges and attorneys meet with the students to discuss contemporary legal issues. Students are exposed to African Americans who have achieved success in a wide variety of legal careers. The students are assigned legal professionals to "shadow" over a two-day period. Admissions officers from both law schools counsel the students on the possibility of attaining a legal education.

The most exciting aspect of the Summer Legal Academy is the goal to partner the students with law firms and sole practitioners. Lawyers and law firms are asked to hire graduates of the Summer Legal Academy for the remainder of the summer as docket clerks or runners. The hope is that a lasting relationship will develop not only relative to future summer

employment, but also as a source of encouragement for the students who might want to pursue careers in the law.

Georgetown University Law Center and Thurgood Marshall Academy Mixed Model²⁵

In the Street Law High Schools Clinic,²⁶ second- and third-year law students teach a two semester elective course in practical law to students in senior high schools throughout the District of Columbia. In 2005-2006, there are 20 classes taught in 15 public senior high schools and two public charter high schools.

The course in the high schools covers criminal, torts, consumer, housing, family, and individual rights law. The highlight of the course is a citywide mock trial tournament, in which teams of high-school students coached by their law-student instructors play the roles of lawyers and witnesses in mock trials conducted before real judges in the D.C. Superior Court.

The Street Law High Schools Clinic requires law-student instructors to attend a three-day orientation and a weekly two-hour seminar at Georgetown, to do substantial planning and preparation, and to teach a 60- to 90-minute class several days each week in a D.C. high school during the academic year. Law students are usually teamed with a social studies teacher from the assigned high school. A textbook, *Street Law: A Course in Practical Law*, is provided to law students and high-school students; instructors

THE MOST EXCITING ASPECT OF THE SUMMER LEGAL ACADEMY IS THE GOAL TO PARTNER THE STUDENTS WITH LAW FIRMS AND SOLE PRACTITIONERS. . . . THE HOPE IS THAT A LASTING RELATIONSHIP WILL DEVELOP NOT ONLY RELATIVE TO FUTURE SUMMER EMPLOYMENT, BUT ALSO AS A SOURCE OF ENCOURAGEMENT FOR THE STUDENTS WHO MIGHT WANT TO PURSUE CAREERS IN THE LAW.

are encouraged to supplement this text with materials and methods of their own creation. Additional resources, including best lessons from prior years, are available in the clinic offices and online.

Law-student instructors do substantial research and preparation, including creating a written lesson plan for each class. Supervision of law-student instructors includes faculty review and critique of law students, lesson plans, seminar activities, journals, demonstration teaching, teaching materials, and other innovative approaches developed by the law students. Prior to the start of class in mid-September, law students study learner-centered, participatory teaching methodology. Clinic faculty provide not only seminar instruction in substantive law and teaching methodology but also field supervision in the schools.

Senior high-school students take the year-long Street Law course as an elective. As a result of their participation in a Street Law course, high-school students learn substantive content and cognitive skills including:

- (1) the basic structure of the legal system, including the relationships among legislatures, courts, and agencies, and how citizens relate to the lawmaking processes of each branch of government;
- (2) the fundamental constitutional rights, laws and processes involved in the criminal and juvenile justice systems, and pertaining to consumer, family, housing, and individual rights areas; and
- (3) the function and operation of trials and other legal proceedings.

In addition to learning about the practical law they encounter every day, students in Street Law

EXCERPTS FROM
THE NATIONAL CONSORTIUM
OF LAW SCHOOLS'
CALL TO ACTION
RENOVATING THE P-20 PYRAMID IN
EDUCATION WITH THE LEADERSHIP OF
SCHOOLS OF LAW

To work collaboratively to maximize educational aspirations and opportunities for students who are disproportionately under-represented in colleges and universities and in professional schools, particularly law schools.

OVERVIEW

If law schools and other professional schools are to continue to train our future civic leaders, and if colleges and universities are to retain their important place as educators in our democracy, the answer must lie in improving the pipeline and substantially increasing the numbers of minority and economically disadvantaged students who have, and who recognize, opportunities to move from P to 20.

It is no longer sufficient for law schools to sit atop the P-20 pyramid in education and wait for those who apply. Nor is it sufficient for law schools to engage in remedial programs for admitted students, or even for potential applicants at the college level. Law schools, which have remained largely aloof from the P-12 school reform agenda, need to reach across the pipeline and involve themselves in the preparation of students along the way. Similarly, colleges and universities must devote themselves to stronger collaborations with both P-12 educators and grade 13-20 educators. And P-12

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courses acquire some of the skills citizens need to cope effectively with law and the legal system.²⁷ Students also develop advocacy, analytical, and communication skills.

Besides learning what the law is, students also learn to examine underlying policies and values to assess what the law should be. As well as studying specific constitutional rights, students inquire as to whether such goals as fairness, due process, and justice are attained. Students also study how our legal system balances competing values that come into conflict. For instance, students examine how the First Amendment “freedom of speech” may be balanced against society’s interest in protecting itself from injurious, obscene, or dangerous words.

The Street Law approach uses a variety of engaging, innovative, learner-centered methods, including role-plays, simulations, large and small group discussions, lectures, case studies, news articles, video clips, guest participants, field trips, and simulations of legal proceedings. The centerpiece of the program is the annual citywide mock trial competition. In addition to learning communications and preparation skills, trial procedures, and teamwork, students practice the spectrum of cognitive skills as they comprehend a complicated fact pattern, apply the facts to the law, analyze and evaluate factual and legal issues, and synthesize the many components into a unified presentation.

THE STREET LAW APPROACH USES A VARIETY OF ENGAGING, INNOVATIVE, LEARNER-CENTERED METHODS, INCLUDING ROLE-PLAYS, SIMULATIONS, LARGE AND SMALL GROUP DISCUSSIONS, LECTURES, CASE STUDIES, NEWS ARTICLES, VIDEO CLIPS, GUEST PARTICIPANTS, FIELD TRIPS, AND SIMULATIONS OF LEGAL PROCEEDINGS.

The Street Law students also participate in a number of supplementary programs. One highlight is the Teen Dating Violence Prevention program, conducted in collaboration with the D.C. Domestic Violence Coordinating Council, the D.C. Superior Court, and the Families and the Law Clinic of Catholic University Columbus School of Law. In this program, Superior Court Judges and Commissioners, legal resource persons specialized in domestic violence matters, and law students from Columbus School of Law join the Street Law classes to present a three-day curriculum on preventing and resolving teen domestic violence.

Another outstanding feature of the course is the Mentor program, in which each Street Law class is paired with a law firm or legal organization. The Mentor firm typically is involved in Street Law in four ways. In cooperation with the law-student instructor, members of the firm first visit the class to teach about certain aspects of the law that the firm is involved in. Second, lawyers in the firm take the students on a field trip to a law-related activity the firm is connected to, such as a visit to a Superior Court trial, a Congressional hearing, or activities of the U.S. Supreme Court. Third, the firm invites the students to a visit to the firm itself, where the students learn about the operations of a law firm, observe potential careers from legal secretary to lawyer, and perhaps examine the development of a case in some detail. Fourth, the Mentor firm helps the class prepare for the mock trial competition.

Thurgood Marshall Academy.

Thurgood Marshall Academy (TMA) is a law-themed public charter high school serving low-income, under-resourced teenagers, many of whom live in Washington, D.C.'s most disadvantaged community. TMA's enrollment in grades 9-12, for the 2005-2006 school year is 321. For the last school year 100 percent of TMA seniors graduated, and 100 percent were accepted to college.

TMA's mission is to prepare students to succeed in college and to actively engage in our democratic society. As a law-themed school, TMA's goal is to help students develop their own voice by teaching them the skills lawyers have—the abilities to solve complex problems, think critically, and advocate persuasively for themselves and their communities. TMA functions as both a school and a youth development organization by integrating a rigorous college-preparatory curriculum with in-school and after-school support programming such as academic tutoring, personalized mentoring, and one-on-one college guidance.

TMA's law-themed curriculum teaches not only basic academic skills but also high-order, law-related skills such as using evidence to support an argument, conducting research, synthesizing information, and making presentations. Students take classes such as "Street Law," and instructors use law as a teaching tool across the curriculum.

The school structure is also significant. Small class size ensures individual attention. Extended day, week, and year programming includes: academic tutoring by teachers and volunteers from the professional community; personalized mentoring by adult role models and, for incoming students, peer mentors; and college access programming

educators must push for and engage in activities that will close both the gaps in alignment between them and grades 13-20 and the gaps in opportunities among racially and socioeconomically diverse students.

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FIVE RECOMMENDED ACTIONS:

1. Law schools should take a leadership role in establishing themselves as partners with schools of education and colleges of liberal arts and sciences in their universities and with P-12 educators in their communities, locally, regionally, nationally, and internationally.

Law schools should mobilize their faculty, students, and alumni (who are especially steeped in the concepts of due process, justice, and civic engagement), and they should involve themselves in education across the full spectrum of young people throughout the educational pipeline. This involvement can take the form of street law initiatives; mock trial programs; mentor programs involving law students as well as the bench and bar; programmatic, pedagogical, and curricular development around law-related education and civic engagement; and joint appointments and programming within their universities.

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2. Colleges and universities should likewise commit themselves to establishing or strengthening partnerships with neighboring law schools and with their P-12 communities.

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College and university involvement could take the form of mentor programs for college students, particularly would-be teachers; training and mentor programs and exchanges for P-20 teachers; curricular and methodological development and sharing around civic engagement; joint appointments with their area law

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schools; and exchange appointments with their P-12 colleagues.

3. All higher education institutions should commit themselves to review, and revise if appropriate, their current policies on promotion and tenure (including academic credit for student projects) in order to assure that recognition is provided for those working in and researching public education and public service agendas.

4. The P-12 community should be involved with university partners throughout the pipeline, and it should expect and push to have the grade 13-20 community actively engaged in their practice and research.

P-12 communities should work to align their programs with the expectations of the higher education communities in order to assure that their students are appropriately trained with high cognitive skills in rigorous academic environments. P-12 communities should also work to assure that their students are aware of the expectations and requirements for accessing higher education and that they have opportunities and guidance to appropriately credential themselves for future success and leadership.

5. P-12, 13-16, and 17-20 educators should form teams that will work cohesively and collaboratively to put into place local, national, and international initiatives to meet these ends. These teams should in turn reach out to encourage the formation of comparable teams with similar agendas.

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More information

More information is available at the University of the Pacific McGeorge Law School website at www.mcgeorge.edu/wingspread, or by contacting Professor Sarah Redfield at sredfield@pacific.edu.

such as one-on-one guidance counseling and SAT preparation.²⁸

TMA has developed extensive resources to support its achievements. More than fifty partners in the legal, business, education, nonprofit, and government communities provide funding, volunteers, and materials. These efforts have led to impressive academic and personal growth among its students, including the 100 percent graduation and college acceptance rates mentioned earlier; high attendance rates and promotion rates; and accomplishments indicative of youth development, such as representing the District of Columbia in the national “We the People” Constitutional competition.

University of New Mexico and ENLACE—The Comprehensive Latino Pipeline Model²⁹

ENLACE, “ENgaging LATino Communities for Education,” is a comprehensive community-based partnership working to improve educational outcomes for Hispanic students within New Mexico’s public schools, universities, and community colleges.³⁰ The partnership involves key educational institutions, community-based organizations, local and national businesses, parents, and students.

The term “ENLACE” from the Spanish word “enlazar” means to link or weave together to connect in such a way that the entity is stronger than its parts. To improve the education of today’s Hispanic youth, ENLACE endeavors to draw upon the strengths of Hispanic people and communities in creating vibrant, healthy learning environments.

ENLACE’s mission is to interweave the efforts of many diverse partners with three continuous threads: a common vision of a brighter future for Hispanic youth; collaborative work in coalitions; and

a focus on strengthening P12/university/community partnerships.

ENLACE's project goals are to create systemic change and to graduate more Hispanic students from institutions of higher education, law, and medicine. Program initiatives include:

- Family and Community Education. Family Centers are established throughout the P20 pipeline so that parents will be an integral part of their children's education.
- Educational Access Rooms. EARs are developed with the use of distance learning, tutors, and parental involvement to target 9th and 10th grade students at risk of dropping out.
- Retention. Key points of the educational systems are targeted for intervention and assistance to students:
 - Beginning in the middle schools, mentors are provided to students with promise.
 - In the high schools, family centers will help schools and families connect in order to better serve students.
 - Chicano Studies courses at all ENLACE target high schools will provide culturally relevant teaching and will empower Hispanic students to excel in their studies.
 - At the community colleges and universities, an early warning system will be in place to help incoming freshman maneuver through the educational system and succeed.

- The UNM School of Law has mentors that work with high school and undergraduate students.
- "Pathways to Teaching," a Hispanic teacher pipeline, has been instituted.

The University of New Mexico School of Law is one of the partners involved with ENLACE in its many "pipeline" efforts. The law school's goal is to encourage New Mexican children to graduate from high school, go to college, and prepare for graduate/professional education. UNM's work with ENLACE includes providing offices in the law school for ENLACE staff, parent volunteers, and undergraduate volunteers. In addition, law students serve as mentors and will help develop policy proposals for related educational reform. The law school is working with other graduate and professional programs on campus to make the project multidisciplinary.

University of the Pacific McGeorge School of Law—Comprehensive Model with University and High-School Partners³¹

Pacific Pathways includes the University of the Pacific McGeorge School of Law, the University of the Pacific Benerd School of Education, the College of the Pacific, and the School of Law and Public Service, which is a law-themed "small school" at Sacramento High School.

Recognizing that there are no one-size-fits-all students,³² Pacific Pathways offers a variety of integrated approaches that can be categorized in the following four clusters:

- 1) integration of analytical and rigorous law-themed courses and programs into curricular and co-curricular activities;

- 2) implementation of both a mentor program and a guest-speaker series aimed at aspirational concerns;
- 3) opportunities to understand college life; and
- 4) additional partnership-focused activities.

The pipeline projects operate comprehensively with school-wide outreach; the program does *not* reach out to only those students who are identified as current or potential “high achievers,” but is committed to the integrity of high expectations for all students. A selected set of programs from these clusters is outlined here.

Rigorous law-themed curriculum (Cluster 1).

The School of Law and Public Service (SLPS) focuses on a law-themed curriculum, intending to keep students interested in school, prepare them for college, and inspire them to become engaged citizens and leaders. This approach offers an opportunity to capitalize on students’ existing interests (think of all those law TV shows!) and link them to academic and career options. The current academic law courses are: Foundations of Law (Historical Survey); Law and Society (Criminal Law); Constitutional Issues in American Society (Constitutional Law); and Civil Law (as part of a larger 10-credit course).

Legal education itself is well-recognized for its core focus on high cognitive abilities and analytical skills—researching, reading, synthesizing, writing, listening, debating, and advocating (orally and through the written word)—and on individualized interaction with faculty and peers (e.g., the Socratic method) to assure students’ thinking at the highest order. Many aspects of legal education also involve project-focused work (research, brief writing, trial presentations), often working with partners and

teams and learning how to appropriately approach, negotiate, and advocate in the context of opposing viewpoints and sides. These are all skills that can be translated through a high-school curriculum and that are as crucial to high-school and college success as they are to law school.

Co-curricular activities (Cluster 2). For co-curricular activities including Saturday law seminars, Law Day, moot court, and the like, the goal is primarily aspirational. Saturday law-themed seminars involve high-school students, coached by a teacher, meeting with lawyers in a variety of professional work settings on Saturdays, typically once a month; students learn about the alternative legal environments in which the lawyers work and the practical realities of getting dressed up and prepared for a professional setting. Moot court and mock trial events and competitions are a common and highly regarded piece of law-related education throughout the country.³³ Pacific Pathways includes an emphasis on the annual Law Day theme, which offers an excellent thematic focus and an opportunity to celebrate civic engagement and accomplishments.³⁴ In 2004-2005 the theme was juries, and one activity involved mock trial versions of the *Three Little Pigs* at both SLPS and at Public School 7, their sister elementary school, with students acting as juries and law students and faculty members leading discussions of the jury process.

Mentoring and speaker series (Cluster 3).

Consistent with extant mentor research, Pacific Pathways involves a one-on-one mentoring match of a law student with a high-school student for an academic year (or longer). Mentors encourage commitment to staying in school, improved academic performance, and expanded aspirations for college. In many ways this mentoring is the keystone to the

Pacific Pathways effort. This component had the highest number of student participants with 27 pairs during the 2004-2005 school year, and 40 in the 2005-2006 school year.

The program is organized by the McGeorge Education Law Fellow.³⁵ All mentors are trained by the SLPS Guidance Counselor and faculty from Pacific's Benerd School of Education, and these resources remain available to mentors throughout the academic year. Mentors are individually matched with SLPS students based on their questionnaires.

The mentoring program make-up thus far shows a diverse group of student participants with a strong representation of Hispanic (22%) and African-American (55%) students. Out of the 27 mentees in the 2004-2005 school year, 14 continued this year, including 10 Hispanic or African Americans, with the 14 equally balanced between male and female.

The benefits from mentoring are many. For the high-school students, being involved with law students and working with them and professionals doing important work in society offers real role models with which the young students can identify. Seeing mentors who are fairly close to them in age, and often close to them in background, helps high-school students—particularly those who may not have otherwise had these experiences—to see and believe that they too, “can do” college and law school. The ongoing speaker series includes Pacific McGeorge faculty, alums, and administrators together with outside speakers. The outside speakers have included Haitian native Pierre Prosper, now Ambassador at Large for War Crimes; Judge Roger Gregory, the only black judge on the U.S. Court of Appeals for the Fourth Circuit; Justice Richard Goldstone, Justice of the Constitutional Court of South Africa and former Chief Prosecutor for the

International Criminal Tribunals for Rwanda and the former Yugoslavia; Presiding Judge Art Scotland from California's Third District Court of Appeals; and Kent Lollis, the director of the minority affairs work of the Law School Admission Council.

The goal of this effort is largely aspirational. When you see, as the result of a presentation, a prominent federal judge exchanging e-mails with a high-school student, you know good results will come!


Additional partnership-focused activities (Cluster 4).

The Pacific Pathways partnership activities include monthly Advisory Council meetings attended by the deans, principals, and faculty of the schools involved; teacher professional development, including the opportunity to audit courses; joint research and speaking opportunities for various members of the team; development of a law library at the high school; and joint social and support activities.

CONCLUSION

The United States Supreme Court has recognized the significance of diversity in education. It has also challenged us to achieve this diversity over the next quarter century. Described in this article are a series of law-school initiatives illustrating a continuum of activities that law schools can engage in with their educational partners from preschool to professional school. Each takes advantage of the strengths of law schools in terms of their subject matter, pedagogy, and very rich intellectual and human resources.

This review would not be complete without strong recognition of the substantial work the bench and bar have already done along the educational pipeline; in many ways they have been well ahead of the law schools. Programs range from lawyers and judges in the schools to adopting classes and schools, from mentoring to tuition scholarships. Yet

often these programs are single interventions and lack the intensity and duration important to long-term success.³⁶ The next steps are for the bench and bar to join with the law schools to evaluate their work and to identify and replicate best practices systemically and systematically. In such system-wide change lies the pathway to a diverse profession. 

ENDNOTES

1. *Grutter v. Bollinger*, 539 U.S. 306, 332-333 (2003) (quoting *Sweatt v. Painter*, 339 U.S. 629, 634 (1950)).
2. This article is one of a series of publications and presentations by the authors and other colleagues on pipeline issues. See, e.g., Sarah Redfield & Brett Scharffs, Presentation, *Student Aspiration & Achievement—Working in Partnership Along the Educational Pipeline from Preschool to Professional School*, Commonwealth Education Law Conference (forthcoming Charlottesville, Va., March, 2006); Elizabeth Rindskopf Parker, *A Dean's Dilemma or Lessons in Diversity*, U. OF TOL. L. REV. (publication forthcoming 2006); Elizabeth Rindskopf Parker, *A Model for Collaboration*, ABA Invitational Pipeline Conference, Embracing the Opportunities for Increasing Diversity Into the Legal Profession: Collaborating to Expand the Pipeline (Let's Get Real) (Houston, TX, November 2005), <http://www.abanet.org/op/pipelineconf/speakers.html> (accessed January 15, 2006); Elizabeth Rindskopf Parker & Sarah E. Redfield, *Law Schools Cannot Be Effective in Isolation*, 2005 BYU EDUC. L.J. 1. Some portions of this paper are excerpted from these materials.
3. Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, American Bar Association Commission on Racial and Ethnic Diversity in the Legal Profession 2004, at 2, 8, 10 and Table 2 (*Miles to Go 2004*). In 2003/2004, for the third consecutive time, black student admissions to law schools declined, and black "representation among law students had fallen to a twelve-year low." While Hispanic student admissions were slightly up over this time frame, neither black nor Hispanic student admissions were all that impressive before. Kent Lollis, Presentation, *Diversity in the Pipeline to the Legal Profession*, (Sacramento, Cal., Oct. 25, 2004). For 2004/2005 the numbers were slightly up but remained below 2001 levels. LSAC, *Data Volume Summary by Ethnic & Gender Group*, <http://members.lsacnet.org/> (accessed January 12, 2006). For 2005/2006, minority applications generally are down. LSAC, *Data, Current Volume Summary*, <http://members.lsacnet.org/> (accessed January 12, 2006).
4. *Miles to Go 2004 supra* note 3, at 3-5.
5. ABA, Office of Diversity Initiatives, <http://www.abanet.org/leadership/diversity.html> (accessed Oct. 29, 2004).
6. This chart is excerpted from Lollis, *supra* note 3.
7. Brief of Association of American Law Schools in Support of Respondents at 5-6, *Grutter*, 539 U.S. 306 (available at Lexis 2002 U.S. Briefs 241); Natl. Govs. Assn., *Facts Facts on Governors*, http://www.nga.org/governors/1,1169,C_TRIV-IA^D_2163,00.html (accessed Jan. 28, 2004); ABA, *50 State Survey: Lawyers-Legislators*, www.abanet.org/nabe/lawyerlegislators.pdf (accessed Oct. 11, 2004).
8. Lollis, *supra* note 3.
9. Urban Inst., *Education in the Age of Accountability*, <http://www.urban.org/content/IssuesInFocus/EducationintheAgeofAccountability/Education.htm> (accessed Oct. 6, 2004); Natl. Ctr. for Educ. Statistics, *Status Dropout Rates by Race and Ethnicity*, <http://nces.ed.gov/programs/coe/2003/section3/indicator17.asp> (accessed Oct. 18, 2004); Natl. Ctr. for Educ. Statistics, *Dropout Rates in the United States: 2001*, <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2005046> (accessed Nov. 20, 2004).
10. Watson Scott Swail, Kenneth E. Redd & Laura W. Perna, *Retaining Minority Students in Higher Education 15*, http://www.educationalpolicy.org/pdf/Swail_Retention_Book.pdf (accessed Oct. 4, 2004) at 51, 55-56. ("Reading, writing, test-taking, vocabulary, and study skills are often barriers to minority persistence in college. The underdevelopment of these skills severely hampers a student's ability to persevere through the onslaught of new information on a daily basis in college.") The ACT and SAT scores also reflect this. ACT, *Average ACT Composite Score by Race/Ethnic Group, 2004* fig. 8, <http://www.act.org/news/data/04/charts/text.html#eight> (accessed Nov. 6, 2004). The maximum possible score is 30. *Id.* at <http://www.act.org/news/aapfacts.html>. About 1.2 million students take the ACT. Richard L. Ferguson, ACT Chief Exec. Officer, Presentation, ECS (Nov. 16, 2004).
11. See National Center for Education Statistics, *Indicator 19-2003*, <http://nces.ed.gov/programs/coe/2004/section3/indicator19.asp> (accessed Oct. 18, 2004). See generally Swail et al., *supra* note 10 at 1; Laura Horn & Rachel Berger, *College Persistence on the Rise? Changes in 5-Year Degree Completion and Postsecondary Persistence Rates Between 1994 and 2000*, <http://nces.ed.gov/pubs2005/2005156.pdf> (accessed Nov. 28, 2004).
12. See particularly Parker, *Dean's Dilemma, supra* note 2.
13. See Andrea Venezia, Michael W. Kirst & Anthony L. Antonio, *Betraying the College Dream: How Disconnected K-12 and Postsecondary Education Systems Undermine Student Aspirations*, <http://www.stanford.edu/group/bridgeproject/betrayingthecollegedream.pdf> (accessed Feb. 8, 2005); The Education Trust, *Latino Achievement in America*, <http://www2.edtrust.org/NR/rdonlyres/7DC36C7E-EBBE-43BB-8392-CDC618E1F762/0/LatAchievEnglish.pdf> (accessed Oct. 1, 2004); The Education Trust, *African American Achievement in America*, http://www2.edtrust.org/NR/rdonlyres/9AB4AC88-7301-43FF-81A3-EB94807B917F/0/AfAmer_Achievement.pdf (accessed Oct. 1, 2004).

14. Brief of Law School Admission Council as *Amicus Curiae* in Support of Respondents at 8, *Grutter*, 539 U.S. 306 (2003) (available at Lexis 2002 U.S. Briefs 241). The 2003 numbers are similar. While the national LSAT average was 152.2, 59% of black applicants, 35% of Hispanic/Latino applicants, and 30% of Native American applicants had scores below 145.
15. Gita Z. Wilder, *The Road to Law School and Beyond: Examining Challenges to Racial and Ethnic Diversity in the Legal Profession*, <http://www.lsacnet.org/lisac/research-reports/RR-02-01.pdf> (accessed Feb. 7, 2005) at 18; e-mail from Robert Carr, LSAC, to Professor Sarah Redfield (Dec. 6, 2004; telephone interview with Robert Carr, LSAC (Dec. 6, 2004)).
16. *Grutter*, 539 U.S. at 341-342 (internal citations omitted).
17. *Id.* at 375-76 (Thomas, J., concurring in part and dissenting in part) (internal citations omitted). In his footnotes, Justice Thomas continues,

The majority's non sequitur observation that since 1978 the number of blacks that have scored in these upper ranges on the LSAT has grown, says nothing about current trends. First, black participation in the LSAT until the early 1990s lagged behind black representation in the general population. For instance, in 1984 only 7.3% of law school applicants were black, whereas in 2000 11.3% of law school applicants were black. See LSAC Statistical Reports (1984 and 2000). Today, however, unless blacks were to begin applying to law school in proportions greater than their representation in the general population, the growth in absolute numbers of high scoring blacks should be expected to plateau, and it has. In 1992, 63 black applicants to law school had LSAT scores above 165. In 2000, that number was 65. See LSAC Statistical Reports (1992 and 2000).

Id. at 376 (note 15).
18. For the report from this group's first meeting, the "Wingspread Report," see John Nagle & Sarah Redfield, *Renovating the P-20 Pyramid in Education—With the Leadership of Schools of Law*, http://www.mcgeorge.edu/government_law_and_policy/education_law/wingspread/WingspreadReportFinalDraft1031.pdf.
19. Excerpts from the Call to Action appear in a sidebar to this article. The full text of the call can be found at http://www.mcgeorge.edu/government_law_and_policy/education_law/wingspread/call_to_action.htm
20. Lee Arbetman, Director, U.S. Programs, Street Law, speaking at the ABA Invitational Pipeline Conference and quoting John F. Kennedy, *supra* note 2.
21. These models were featured in Beth Bulgeron, Charles Ogletree, Elizabeth Rindskopf Parker, Sarah E. Redfield, Richard L. Roe, Karen Sanchez-Griego, Suellen Scarnecchia, Brett G. Scharffs, Aurora Stevenson, Gary Williams, Presentation, *K-20 Educational Pipeline Initiatives* (Association of American Law Schools ABA Executive Committee Program, Washington, D.C. 2006). The five descriptions here are drawn without further attribution from materials developed by the participants in preparation for this panel; any errors in translation are entirely those of the authors here. In each case more information is available and the authors encourage readers to contact us and the contacts listed. In particular, those interested in the work of the national consortium should be in touch with Professor Redfield.
22. For more information contact Professor Brett Scharffs, scharffsb@lawgate.byu.edu.
23. See Brett G. Scharffs, *Starting a Law School Youth Mentoring Program*, 2002 BYU EDUC. & L. J. 233 (2002).
24. For more information contact Assistant Dean Gary Williams at gary.williams@law.csuohio.edu
25. For more information contact Professor Rick Roe, Georgetown University Law Center, roe@law.georgetown.edu, and Teacher/Attorney Beth Bulgeron, Thurgood Marshall Academy, BethBulgeron@aol.com.
26. This program began at Georgetown in 1972. See generally *Georgetown Street Law Clinic*, <http://141.161.16.100/clinics/dcstreet/>; see also *Street Law* www.streetlaw.org/pipeline.asp.
27. Some of these skills include the abilities to:
 - 1) understand and use basic legal terminology;
 - 2) read, comprehend, and complete legal forms such as contracts, leases, small claims court complaint forms, and credit applications, statutes, cases and other legal documents;
 - 3) respond appropriately to law enforcement officers in other law-related situations;
 - 4) choose courses of action to recognize and avoid potential legal problems, e.g., as consumers, learning to inspect before purchase; and
 - 5) seek appropriate remedies for legal problems, e.g., writing effective letters of complaint.
28. TMA also offers full-time youth development staff providing in-school and after-school supplemental programs; mandatory summer prep mandated for incoming students; and parent involvement, such as parent/community workshops on financing college.
29. For more information contact Dean Suellen Scarnecchia, scarnecchia@law.unm.edu, and Director of ENLACE Karen Sanchez-Griego, kgriego@unm.edu.
30. See generally *ENLACE in New Mexico*, <http://www.enlaceinnewmexico.com/>.
31. For more information contact Professor Sarah E. Redfield, sredfield@pacific.edu.

32. National Research Council Committee on Increasing High School Students' Engagement and Motivation to Learn, *ENGAGING SCHOOLS: FOSTERING HIGH SCHOOL STUDENTS' MOTIVATION TO LEARN*, 10 (Natl. Acad. Press 2004) (Research has shown that "student engagement and learning are affected by a complicated set of nested variables.")
33. *American Mock Trial Association*, <http://www.collegemocktrial.org/about.htm>, *National High School Mock Trial*, <http://www.collegemocktrial.org/about.htm>. These activities are linked to state standards and to positive evaluations in terms of contributions to citizenship learning and activities. See *Street Law*, <http://www.civicmissionofschools.org/resources/Prax/Level%203%20Pages/streetlawmocktrial.html#EvaluationStudies>.
34. The goals of Law Day are well established nationally to "celebrate Law Day every year with programs focusing on our heritage of liberty under law and how the rule of law makes our democracy work." American Bar Association, *Law Day*, May 1 <http://www.abanet.org/publiced/lawday/home.html>; *California Law Day*, <http://www.abanet.org/publiced/lawday/events/ca05.html>.
35. McGeorge has created a position for an Education Law Fellow. The fellowship offers a student tuition waiver for an LL.M. in Government, Law and Policy and a small stipend for work 20 to 30 hours per week as the on-the-ground coordinator for the various Pacific Pathways activities. The programs would probably not be possible without this kind of energetic, smart coordination and support.
36. The preliminary work done to evaluate the Pacific programs with the School of Law and Public Service indicates that this intensity is very significant to successful outcomes.



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